

GERALD L. SHARGEL

LAW OFFICES

GERALD L. SHARGEL

ROSS M. KRAMER

EVAN L. LIPTON

1790 BROADWAY, SUITE 1501

NEW YORK, NEW YORK 10019

TEL: 212.446.2323

FAX: 212.446.2330

info@shargellaw.com

May 8, 2012

Hon. John Gleeson
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Rosemond, 11 Cr. 424 (JG)

Dear Judge Gleeson:

I write on behalf of James Rosemond to respectfully respond to the government's motion in limine dated May 8, 2012, which seeks "to preclude any insinuation to the jury that [Rosemond] was a victim of selective prosecution." (Gov't Mot. at 1, n.1.)

We have no intention of arguing that Rosemond was a victim of selective or vindictive prosecution.

The government's motion goes too far in arguing that "the Government's motives for *and conduct during* the prosecution of a defendant are irrelevant to guilt or innocence and therefore cannot be presented to the jury." (Gov't Mot. at 1) (emphasis added). Clearly, the government's conduct during a prosecution is an appropriate subject to be raised at trial, insofar as it touches on, for example, cooperator testimony (statements at proffer sessions, cooperation agreements and other benefits offered), investigation of the case, etc.

To the extent that the government seeks to preclude argument that Rosemond was a victim of selective or vindictive prosecution, however, we have no objection.

Respectfully submitted,



Gerald Shargel

cc: Assistant United States Attorneys Soumya Dayananda, Una Dean and Lan Nguyen
(via email)